

following questions in the course of their *voir dire*:

Linkosky, Esquire, and hereby respectfully requests permission to ask prospective jurors the

**AND NOW COMES** Plaintiff, Debora Novakowski, by and through her counsel, John R.

**PLAINTIFF'S PROPOSED VOIR DIRE QUESTIONS**

Defendants.

ELAINE CHAO, SECRETARY OF LABOR,  
and the UNITED STATES DEPARTMENT  
OF LABOR.

v.

Plaintiff,

DEBORA NOVAKOWSKI,

Civil Action No. 04-356E

Judge Sean J. McLaughlin  
Electronically Filed

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

\_\_\_\_\_

CITY PART OF TOWN FROM TO

5. PLACE OF RESIDENCE

4. Male \_\_\_\_\_ Female \_\_\_\_\_

g. Widower

f. Widow

e. Divorced

d. Separated

c. Living with partner

b. Married

a. Single

3. Marital Status

2. Age

1. Name

PART I: BACKGROUND INFORMATION

Novakowski v. Chao, et al.  
Civil Action No. 04-356E

JURY QUESTIONNAIRE

6. Current employment status

a. ☐ Employed Full-time

b. ☐ Employed Part-time

c. ☐ Homemaker

d. ☐ Student

e. ☐ Unemployed--looking for work

f. ☐ Unemployed--not looking for work

g. ☐ Retired

7.

a. Where do you work? \_\_\_\_\_

b. What is your occupation? \_\_\_\_\_

c. What is your job Title? \_\_\_\_\_

d. How long have you had this job? \_\_\_\_\_

e. If you supervise other employees, how many do you supervise directly \_\_\_\_\_ and indirectly \_\_\_\_\_?

f. Do you have the authority to hire or fire other employees? \_\_\_\_\_ Yes: \_\_\_\_\_ No.

g. Briefly describe your responsibilities at work.

h. Has anyone ever made a complaint about you as a supervisor? \_\_\_\_\_ Yes: \_\_\_\_\_ No.

Please describe if answer to (h) is Yes

i. Have you ever made a complaint to a supervisor?

Please describe if your answer to (i) is Yes.

j. Has anyone ever made a complaint that you discriminated against a person on the job?

If yes, please describe.

k. Have you ever made a complaint within a company that you or some one else had been discriminated against on the job?

If Yes, please describe.

l. Has anybody filed a lawsuit or a complaint with a government agency that you discriminated against a person on the job?

If yes, please describe.

m. Have you filed a lawsuit or a complaint with a government agency that you have been discriminated against on the job?  
If yes, please describe.

8. a. Have you ever owned your own business?

If yes how many employees did you have.

0 \_\_\_\_\_ 1-3 \_\_\_\_\_ 4-9 \_\_\_\_\_ 10 or more \_\_\_\_\_

b. Have you ever worked as an independent contractor?  
\_\_\_\_\_ YES \_\_\_\_\_ NO

If yes, please describe

c. Have you ever been an officer or member of the Board of Directors of a corporation.

If Yes, please describe.

9. Have you ever been employed in any of the following occupations or has your work ever included any of the following responsibilities or have you ever received any training in any of these areas?

Human Resources/Personnel \_\_\_\_\_ YES \_\_\_\_\_ NO  
Labor Relations \_\_\_\_\_ YES \_\_\_\_\_ NO

13. (a) Please enumerate and briefly describe any classes, correspondence courses, seminars or workshops you have taken since you left school.

(b) Name and location of school(s)?

(a) Major subject(s)?

12. If you attended college, vocational or technical school, what was your:

( ) Post-graduate or professional school

( ) College (four year)

( ) Junior college (two year)

( ) Vocational or technical school

( ) High School

( ) Grade School

11. Education

10. Please list any other jobs you have held during the past ten years that you can recall.

EMPLOYER	JOB	TITLE	FROM	TO
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(b) Have you every had any training, advanced education or employment in any aspect of finance, economics, accounting or business administration?  
☐ Yes ☐ No  
If yes, please describe.

14. (a) Have you ever served in any branch of the U.S. military?

☐ Yes ☐ No

(b) If yes, please list the branch of service and your highest rank.

15. (a) Have you ever worked for any branch of the U.S. government?

☐ Yes ☐ No

(b) If yes, please list the agency and the highest grade reached.

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18. Do you belong to any private club, civic, professional or fraternal organization that limits its membership on the basis of race, ethnic origin, sex, sexual orientation, national origin or religion? ( ) Yes ( ) No

ORGANIZATION  
OFFICE HELD  
FROM  
TO  
(b) Please list any office you currently hold or have held in the past in these or other organizations.

17. Are you a member of any trade or professional association, union, civic club, religious or other organization? ( ) Yes ( ) No  
(a) If yes, please list all of the organizations to which you belong.

16. (a) Have you ever worked for any branch of the State government? ( ) Yes ( ) No  
(b) If yes, please list the agency and the highest grade reached.



(a) If yes, please list the organization(s).

19. Do you have children?

( ) Yes ( ) No

20. If you have adult children, please list their names, ages, and occupation, if any:

NAME AGE OCCUPATION

21. If there are other adults living in your home other than your spouse, partner or children, please list their occupations and employers.

OCCUPATION EMPLOYER

22. If you have children living at home, will caring for them interfere with your ability to serve on this jury?

( ) Yes ( ) No

23. Do you have any health problems or disabilities which could affect your ability to serve on this jury?
- ( ) Yes ( ) No
- (a) If yes, please explain.
24. Have you or your spouse/partner ever been a victim of discrimination because of problems at work?
- ( ) Yes ( ) No
- (a) If yes, when did this problem(s) take place.
25. (a) Do you take any prescription medication of any kind?
- ( ) Yes ( ) No
- (b) If yes, does the medication affect your mental alertness or cause any physical discomfort?
- ( ) Yes ( ) No
26. Do you have any religious or other beliefs that would make it difficult for you to sit in judgment on another person?
- ( ) Yes ( ) No
- (a) If yes, please explain.

27. Please list your hobbies.

28. (a) Which television programs do you watch most often?  
(b) Which television talk shows, if any, do you watch?  
(c) Which magazines do you read?  
(d) Do you read business news or business periodicals three or more times a week?

( ) Yes ( ) No

**PART II: SPOUSE OR PARTNER'S BACKGROUND**

29. Name

30. Current employment status

( ) Employed full-time

( ) Employed part-time

( ) Homemaker

( ) Student

( ) Unemployed -- looking for work

( ) Unemployed -- not looking for work

( ) Retired

31. If he or she is employed:

(a) Where does he or she work?

(b) What is his or her occupation?

(c) What is his or her job title?

(d) How long has he or she had this job?

(e) Does he or she supervise other employees?

( ) Yes ( ) No

(f) Does he or she have the authority to hire or fire other employees?

( ) Yes ( ) No

(g) Has your spouse or partner made a complaint about his or her as a supervisor?

( ) Yes ( ) No

(h) Has your spouse or partner complained within the Company that he or she has

been discriminated against on the job?

( ) Yes ( ) No

If yes, please describe.

(i) Has your spouse or partner filed a lawsuit or a complaint with a government

agency that he or she has been discriminated against by another person on the

job?

( ) Yes ( ) No

If yes, please describe.

(j) Briefly describe his or her responsibilities at work.

(k) Has your spouse or partner made a complaint about his or her supervisor?

If yes, please describe.

(l) Has your spouse or partner made a complaint within the company that he or she was discriminated against on the job?

( ) Yes ( ) No

If yes, please describe.

(m) Has you spouse or partner filed a lawsuit or a complaint with a government agency that he or she was discriminated against on the job.

( ) Yes ( ) No

If yes, please describe.

(n) Has anybody complained within the company that your spouse or partner discriminated against that person on the job?

( ) Yes ( ) No

If yes, please describe.

(o) Has anybody filed a lawsuit or a complaint with a government agency that your spouse or partner discriminated against that person on the job?  
 If yes, please describe.  
 ( ) Yes ( ) No

(p) Briefly describe your spouse or partner's responsibilities at work.

32 Please list any other jobs he or she has held during the past ten years.  
 EMPLOYER JOB TITLE FROM TO

33. Has your spouse or partner owned his or her own business?  
 ( ) Yes ( ) No  
 If yes, how many employees did the business have?

34. Has your spouse or partner been an officer or director of a corporation?  
 ( ) Yes ( ) No  
 If yes, please describe.

35. Has your spouse or partner ever been self-employed or worked for someone else as an independent contractor?
- ( ) Yes ( ) No
- If yes, briefly describe the nature of his or her work.
36. Education
- ( ) Grade school
- ( ) High school
- ( ) Vocational or technical school
- ( ) Junior college (two year)
- ( ) College (four year)
- ( ) Post-graduate or professional school
37. If your spouse or partner attended college, vocational or technical school, what was his or her:
- (a) major subject?
- (b) name and location of school?

38. Please enumerate and briefly describe any classes, correspondence courses, seminars or workshops your spouse or partner has taken relating to sexual harassment, employment law or psychology.

39. Has your spouse or partner ever served in any branch of the U.S. military?  
( ) Yes ( ) No  
(a) If yes, please list the branch of service and his or her highest rank.

40. (a) Has your spouse or partner ever worked for any branch of the U.S. government?  
( ) Yes ( ) No  
(b) If yes, please list the agency and the highest grade reached.

41. (a) Has your spouse or partner ever worked for any branch of the State government?  
( ) Yes ( ) No  
(b) If yes, please list the agency and the highest grade reached.



42. Is your spouse or partner a member of any trade or professional association, union, civic club, religious or other organization?
- ( ) Yes ( ) No
- (a) If yes, please list all of the organizations to which he or she belongs.
43. Does your spouse or partner belong to any private club, civic, professional or fraternal organization that limits its membership on the basis of race, ethnic origin, sex, sexual orientation, national origin or religion?
- ( ) Yes ( ) No
- (a) If yes, please list the organization(s).
44. (a) Which magazines does your spouse or partner read?
- (b) Does your spouse or partner read business news or business periodicals three or more times a week.
- ( ) Yes ( ) No
45. Has your spouse or partner ever been under stress because of problems at work?
- ( ) Yes ( ) No
- (a) If yes, when did your spouse or partner experience problems like this?

PART III: FAMILIARITY WITH JUDICIAL SYSTEM

46. Have you ever served as a juror before? ( ) Yes ( ) No

(a) If yes, please list the court(s), the type of case(s), and the approximate date(s).

COURT (state/federal)	Criminal or Civil?	Type of Case	Date
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(b) Were you the foreperson? ( ) Yes ( ) No

(c) Have any of the juries on which you have served been "hung" (unable to reach a verdict)? ( ) Yes ( ) No

(d) Did you enjoy your previous experience(s) as a juror? ( ) Yes ( ) No

47. Have you ever been to court before, other than for jury service? ( ) Yes ( ) No

(a) If yes, please describe the circumstances.

48. Have you ever testified in a trial or court proceeding? ( ) Yes ( ) No
49. Have you ever had your deposition taken? ( ) Yes ( ) No
50. Have you or any member of your household or family, or any close friends ever sued or been sued? ( ) Yes ( ) No
- (a) If yes, how was the case resolved?
51. Have you ever thought you might have a reason to file a lawsuit but decided not to? ( ) Yes ( ) No
- (a) If yes, please describe the circumstances.
52. During trial, it may become necessary for attorneys to approach the bench or discuss a point of law outside the hearing of the jury. Will it bother you that the law sometimes does not allow jurors to hear discussion of legal points? ( ) Yes ( ) No

**PART IV: MISCELLANEOUS**

53. Which of the following is your main source of news?

- ☐ Television
- ☐ Radio
- ☐ Newspaper(s)
- ☐ Magazine(s)

54. Please rate how much you agree or disagree with each of the following statements.

a. Discrimination because of gender (sex) in the workplace is exaggerated.

☐ Strongly Agree

☐ Somewhat Agree

☐ Somewhat Disagree

☐ Strongly Disagree

b. There are too many lawsuits today.

☐ Strongly Agree

☐ Somewhat Agree

☐ Somewhat Disagree

☐ Strongly Disagree

c. Discrimination because of gender (sex) in the workplace is unfair.

☐ Strongly Agree

☐ Somewhat Agree

☐ Somewhat Disagree

☐ Strongly Disagree

- d. Most women are treated less favorably than men in the workplace.
- ( ) Strongly Agree
- ( ) Somewhat Agree
- ( ) Somewhat Disagree
- ( ) Strongly Disagree
- e. Not enough is being done to eliminate discrimination because of gender (sex) in the workplace.
- ( ) Strongly Agree
- ( ) Somewhat Agree
- ( ) Somewhat Disagree
- ( ) Strongly Disagree
- f. Most claims of discrimination because of gender (sex) in the workplace are untrue.
- ( ) Strongly Agree
- ( ) Somewhat Agree
- ( ) Somewhat Disagree
- ( ) Strongly Disagree
- g. To what extent do you think attorneys are trustworthy or untrustworthy?
- ( ) Very Trustworthy
- ( ) Somewhat Trustworthy
- ( ) Somewhat Untrustworthy
- ( ) Very Untrustworthy
- Why is that?

55. Have you ever had any dealings with an attorney?  
☐ Yes ☐ No

56. Do you think attorneys feel that the rules others have to live by do not apply to them?  
☐ Yes ☐ No

57. What is your main complaint or annoyance about attorneys?

58. How do you feel about the size of money awards given in trial today?  
☐ Too large  
☐ OK  
☐ Too small  
Please explain.

59. Have you or anyone close to you ever worked for:  
YES NO Who was the worker?

a. A lawyer or law firm?

b. A counselor, psychotherapist, psychologist or psychiatrist?

c. The court system?

60. Have you, or has anyone close to you, ever been denied a promotion by a supervisor at a place of employment?
- ( ) Yes ( ) No
- (a) If yes, what happened and how did you feel?
61. Do you feel that lawyers are more likely than other employers to discriminate against their employees because of their gender (sex)?
- ( ) Yes ( ) No
62. Do you think there is more, less or about the same amount of gender (sex) discrimination today as there was 10 years ago?
- ( ) More
- ( ) Less
- ( ) Same amount
63. Have you ever read any books or magazine articles about gender (sex) discrimination?
- ( ) Yes ( ) No
- (a) If yes, please explain.
64. Do you feel that employers nowadays have gotten the message about the seriousness of gender (sex) discrimination in the workplace?
- ( ) Yes ( ) No

**PART V: ABOUT THIS CASE**

65. In this case, the plaintiff (the person who filed the lawsuit) claims that she was denied a promotion because of her gender (sex). Do you have any preconceptions or feelings one way or the other about how this kind of situation should be decided?
- ( ) Yes ( ) No (a) If Yes, please describe.

66. Have you heard, seen or read anything about this case?
- ( ) Yes ( ) No (a) If yes, please explain.

67. Do you know anyone who may be involved in a situation like what you have heard so far about this case?
- ( ) Yes ( ) No (a) If yes, please explain.

68. Are you familiar with the concept of gender (sex) discrimination in the workplace?
- ( ) Yes ( ) No (a) If yes, please describe.



69. Have you ever been involved in a situation at work that involved gender (sex) discrimination?  
☐ Yes ☐ No  
If yes, please describe.
70. Have you ever been involved in a situation at work involving discrimination of any kind?  
☐ Yes ☐ No  
If yes, please explain in general terms.
71. Have you ever felt that you or someone you worked with had been discriminated against?  
☐ Yes ☐ No  
If yes, please explain in general terms.
72. Have you ever had to quit a job because you felt you were being treated unfairly?  
☐ Yes ☐ No  
If yes, describe generally.

73. Have you, your spouse/partner, close friend and/or member of your family/household ever been employed as a legal secretary or paralegal?

( ) Yes ( ) No

74. Have you, your spouse/partner, close friend and/or member of your family/household ever had any training on the handling of complaints of discrimination in the workplace?

( ) Yes ( ) No

(a) If yes, please describe what training you received.

75. Do you feel that most large businesses discriminate against women because of their gender (sex)?

( ) Yes ( ) No

(a) If yes, please explain.

76. Do you feel that the government discriminates against women because of their gender (sex)?

( ) Yes ( ) No

(a) If yes, please explain.

77. If you work for a business, has your employer implemented a policy against discrimination because of disabilities? ( ) Yes ( ) No
78. Has your employer implemented an internal complaint procedure to investigate and respond to discrimination complaints based upon the gender (sex) of the employee? ( ) Yes ( ) No Does not apply
79. Have you ever been accused of discrimination? ( ) Yes ( ) No
80. Have you, your spouse/partner, close friend or any member of your family/household ever made a complaint of discrimination at work? ( ) Yes ( ) No
81. Have you or has any one close to you, i.e., spouse, partner, significant other, sibling, parent, child ever been discriminated against, because of his or her gender (sex)? ( ) Yes ( ) No
82. Given the nature of this case, is there anything in your background and experience that would make it difficult for you to be fair and impartial? ( ) Yes ( ) No (a) If yes, please explain.
83. Do you feel people should be awarded money for psychological pain? ( ) Yes ( ) No

84. Do you feel that too much money is awarded for claims of emotional distress? ( ) Yes ( ) No
85. Do you believe there is any limit of money that should be awarded for emotional distress? ( ) Yes ( ) No (a) If yes, please explain.
86. Do you know what compensatory damages are? ( ) Yes ( ) No
87. Is there any reason why you could not award compensatory damages, that is, damages to pay the victim for present and future monetary loss? ( ) Yes ( ) No (a) If yes, please explain.
88. When you read about large damage awards do you feel that the juries awarded too much in damages? ( ) Yes ( ) No

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Counsel for Plaintiff,  
Debora Novakowski

s/ John R. Linkosky  
**John R. Linkosky, Esquire**  
Pa. I.D. No. 66011

Dated: June 1, 2006

Respectfully submitted,

89. Are there any matters that you would like to bring to the attention of the judge and lawyers that you do not wish to discuss in the presence of other potential jurors?
- ( ) Yes ( ) No
- (a) If yes, please describe.
90. Will you agree to obey the judge if you are ordered not to read, view or discuss any news media coverage of this case?
- ( ) Yes ( ) No
- (a) If no, please explain.

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Civil Action No. 04-356E

Judge Sean J. McLaughlin  
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DEBORA NOVAKOWSKI,

Plaintiff,

v.

ELAINE CHAO, SECRETARY OF LABOR,  
and the UNITED STATES DEPARTMENT  
OF LABOR,

Defendants.

**CERTIFICATE OF SERVICE**

I hereby certify that the original of the foregoing Plaintiff's Proposed Voir Dire Questions has been *electronically filed* this 1st day of June, 2006.

Paul F. Skirich, Esquire  
Assistant U.S. Attorney  
United States Department of Justice  
U.S. Post Office & Courthouse  
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Pittsburgh, PA 15219

s/ John R. Linkosky  
John R. Linkosky, Esquire  
Attorney for Plaintiff